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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/631,076	08/02/2000	Steven Paul Hasmanis	COX 1484-007	8156
8698	7590	10/06/2005	EXAMINER	
STANDLEY LAW GROUP LLP 495 METRO PLACE SOUTH SUITE 210 DUBLIN, OH 43017			SING, SIMON P	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/631,076

Applicant(s)

HASMANIS ET AL.

Examiner

Simon Sing

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because figure 2 (2A and 2B) has mixed background colors (i.e. black and white) for the decision blocks.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-10, 12-14 and 16-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Sartain et al. US 5,914,712 in view of Lewis et al. US 4,852,154.

2.1 Regarding claim 1, Sartain discloses an interactive video system comprising:

a switch (a telephone system inherently comprising a switch) for receiving calls, including the caller's number (column 5, lines 1-6) and the called number (column 2, lines 49-56);

an automatic voice response unit 600 (figure 5) for providing recorded voice response with multiple applications (column 3, lines 29-34, 58-64; column 9, lines 42-46; column 10, lines 8-15);

a data storage component configured with customer information and event information, the customer information including account information (column 4, lines 26-28; column 5, lines 1-6, 11-22) and the event information including a cable television event title (column 4, lines 6-18; column 10, lines 32-40);

a temporary data container (log) for storing customer data received for use in call processing (column 4, lines 22-26);

wherein the system is configured to retrieve the customer data based on an identification number (column 4, lines 22-26) or calling telephone number (column 5,

lines 1-6) and store the customer data in the log for use in subsequent call process applications (column 4, lines 22-28; column 5, lines 1-6, 11-22).

Sartain teaches providing different telephone numbers for different television programs (column 3, lines 17-20), but fails to explicitly teach that each program is associated with its own telephone number.

However, Lewis discloses a pay-per-view cable television (CATV) system in figure 1, comprising a switch 18 for receiving a calling telephone and a called telephone number (column 3, lines 40-53; column 4, lines 24-35; column 5, lines 44-58), a computer 30 for storing customer and television events information (column 6, lines 33-35; column 3, lines 40-53), a voice response unit (VRU) 36 for interacting with customers (column 6, lines 48-59). Lewis teaches that each called telephone number uniquely identifies a selected television event (Abstract; column 3, lines 40-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sartain's reference with the teaching of Lewis, so that a cable television's program, such as a promotional event, would have its own number for ordering, because, because such modification would have clarified the Sartain's teaching of multiple telephone numbers for multiple programs.

2.2 Regarding claim 2, the modified Sartain's system is for pay-per-view movie or other television special events (Sartain, column 5, lines 1-6; Lewis, Abstract).

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2.3 Regarding claim 3, Sartain teaches different application for different television programs on the voice response unit (column 3, lines 29-34).

2.4 Regarding claim 5, Sartain teaches multiple calling number for multiple programs which inherently has a number table for processing incoming calls based on the called number.

2.5 Regarding claim 6, Sartain teaches that the calling number and the called number are stored in the log (column 4, lines 22-28).

2.6 Regarding claim 7, it is inherent that various data are transmitted between the switch and the voice response unit, such as prompts and billing information.

2.7 Regarding claim 8, an examiner notice is served that it is well known in the art that there is a live operator connected to an automated system in order to solve problems encountered by the automated system.

2.8 Regarding claim 9, Sartain teaches retrieving a customer's data before processing ordering (column 5, lines 1-6).

2.9 Regarding claim 10, Sartain teaches that the customer's data includes credit data (column 5, lines 1-6).

2.10 Regarding claim 12, the modified Sartain reference, teaches that the voice response unit includes a called number pay-per-view (PPV) based application (column 3, lines 17-20), a menu based PPV application (column 3, lines 29-34) and a call routing functions for retrieving a customers data (column 4, lines 22-28).

2.11 Regarding claim 13, the modified Sartain reference teaches multiple telephone numbers, each for a television program (event), and Sartain teaches that each PPV program has its one prompt for processing orders (column 3, lines 29-34).

2.12 Regarding claim 14, Sartain discloses a method for television programs (events) ordering, comprising steps or:

receiving a call at a switch (a telephone system inherently comprising a switch) column (column 2, lines 49-56);

obtaining the caller's number (column 5, lines 1-6) and the called number (column 2, lines 49-56);

retrieving customer data from a database based on the calling number (column 5, lines 1-6);

storing the retrieved customer data in a log (temporary storage) (column 4, lines 22-28); and

running an automatic voice response application for cable television program ordering (column 3, lines 29-34; column 9, lines 42-46; column 10, lines 8-15).

Sartain teaches providing different telephone numbers for different television programs (column 3, lines 17-20), but fails to explicitly teach that each program is associated with its own telephone number.

However, Lewis discloses a pay-per-view cable television (CATV) system in figure 1, comprising a switch 18 for receiving a calling telephone and a called telephone number (column 3, lines 40-53; column 4, lines 24-35; column 5, lines 44-58), a computer 30 for storing customer and television events information (column 6, lines 33-35; column 3, lines 40-53), a voice response unit (VRU) 36 for interacting with customers (column 6, lines 48-59). Lewis teaches that each called telephone number uniquely identifies a selected television event (Abstract; column 3, lines 40-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sartain's reference with the teaching of Lewis, so that a cable television's program, such as a promotional event, would have its own number for ordering, because, because such modification would have clarified the Sartain's teaching of multiple telephone numbers for multiple programs.

2.13 Regarding claim 16, as discussed in claim 14, the modified Sartain's reference, teaches using the called number to retrieve its associated event.

2.14 Regarding claim 17, Sartain discloses a method for television programs (events) ordering, comprising steps or:

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receiving a call at a switch (a telephone system inherently comprising a switch)
column (column 2, lines 49-56);

obtaining the caller's number (column 5, lines 1-6) and the called number
(column 2, lines 49-56);

retrieving customer data from a database based on the calling number (column
5, lines 1-6);

storing the retrieved customer data in a log (temporary storage) (column 4, lines
22-28);

determining which call control transfer process to run based on the called
number (column 3, lines 34-40); and

starting an interactive voice response application for cable television program
ordering based on the called number (column 3, lines 29-40; column 9, lines 42-46;
column 10, lines 8-15).

Sartain teaches providing different telephone numbers for different television
programs (column 3, lines 17-20), but fails to explicitly teach that each program is
associated with its own telephone number.

However, Lewis discloses a pay-per-view cable television (CATV) system in
figure 1, comprising a switch 18 for receiving a calling telephone and a called telephone
number (column 3, lines 40-53; column 4, lines 24-35; column 5, lines 44-58), a
computer 30 for storing customer and television events information (column 6, lines 33-
35; column 3, lines 40-53), a voice response unit (VRU) 36 for interacting with

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customers (column 6, lines 48-59). Lewis teaches that each called telephone number uniquely identifies a selected television event (Abstract; column 3, lines 40-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sartain's reference with the teaching of Lewis, so that a cable television's program, such as a promotional event, would have its own number for ordering, because, because such modification would have clarified the Sartain's teaching of multiple telephone numbers for multiple programs.

2.15 Regarding claim 18, Sartain teaches transferring the called number and customer account data to a voice response unit (column 3, lines 34-40; column 5, lines 1-6).

2.16 Regarding claim 19, Sartain teaches cable television program ordering is processed according to the information stored in the log (column 4, lines 22-28).

2.17 Regarding claim 20, Sartain further teaches validating a customer (column 5, lines 8-11).

3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sartain et al. US 5,914,712 in view of Lewis et al. US 4,852,154 and further in view of Hendricks et al US 6,160,989.

The modified Sartain reference, teaches cable television a event ordering system, but fails to teach referring a customer to a live agent in case the customer has bad credit.

However, Hendricks discloses cable TV delivery system. Hendricks teaches that if a subscriber's account is delinquent (bad credit), any order of new program or channels is denied, and then the subscriber is referred to a live operator (agent) (column 33, lines 3-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Sartain's reference, which was modified by Lewis, with the teaching of Hendricks, so that orders from customers with bad credits would have been denied, and the customers would have been referred to a live operator for resolving payment questions, because such modification would have prevented loss of revenues (payments not collectable).

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sartain et al. US 5,914,712 in view of Lewis et al. US 4,852,154 and further in view of Stoel et al. US 5,905,942.

The modified Sartain's reference, Sartain further teaches using a customer number (PIN) to identify a customer (column 5, lines 8-11), but fails to teach that the PIN includes a rating.

However, Stoel teaches a method for video distribution. Stoel teaches that a subscriber is required to enter PIN for PIN based rating of movies or PPV events (column 5, lines 41-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Sartain's reference with the teaching of Stoel, so that the PIN would have included rating information, because such modification would have prevented minors to order adult programs.

Response to Arguments

5. Applicant's arguments with respect to claims 1-3 and 5-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

A handwritten signature in black ink, appearing to be 'S. Sing', with a stylized, cursive script.

S. Sing

09/30/2005

A handwritten signature in black ink, appearing to be 'Fan Tsang', with a stylized, cursive script.

FAN TSANG

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600